

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SPACETIME3D, INC.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO. LTD. and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Civil Action No. 2:19-cv-00372-JRG

JURY TRIAL DEMANDED

**SAMSUNG ELECTRONICS CO., LTD.’S AND
SAMSUNG ELECTRONICS AMERICA, INC.’S
ANSWER AND AFFIRMATIVE DEFENSES**

Defendants Samsung Electronics Co., Ltd. (“SEC”) and Samsung Electronics America, Inc. (“SEA”) (collectively referred to herein as “Samsung” or “Defendants”), answer Plaintiff SpaceTime3D, Inc.’s (“Plaintiff” or “SpaceTime”) Complaint for Patent Infringement (“Complaint”; D.I. 1) as follows. Except as expressly admitted, Samsung denies each and every allegation in Plaintiff’s Complaint. Samsung’s specific responses to the numbered allegations are set forth below.

COMPLAINT

1. Samsung admits that Plaintiff’s pleading purports to be a complaint for patent infringement, but denies Samsung has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

THE PARTIES

2. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2 of the Complaint, and therefore denies them.

3. SEC admits that it is a Korean corporation and that SEC's headquarters are located at 129, Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, Korea. SEC denies the remaining allegations of paragraph 3 of the Complaint.

4. SEA admits that it is a New York corporation and that SEA's principal place of business is located at 85 Challenger Road, Ridgefield Park, New Jersey 07660. Samsung admits that it has a registered agent for service of process named CT Corporation System that has an address listed in Texas as 1999 Bryan St., Ste. 900, Dallas, TX 75201. SEA denies the remaining allegations of paragraph 4 of the Complaint.

5. Samsung admits that SEA is a wholly-owned subsidiary of SEC, and that SEA is involved in the sale and distribution of certain Samsung consumer electronic products in the United States. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief. Except as expressly admitted, Samsung denies the allegations of paragraph 5 of the Complaint.

6. SEA admits that effective January 2015 Samsung Telecommunications America, LLC ("STA") merged with SEA and that STA ceased to exist as a separate entity, that STA previously had an office located in Richardson, Texas, and that STA was previously involved in the sales and distribution of certain Samsung-branded consumer electronic products in the United States prior to January 2015.

JURISDICTION AND VENUE

7. Samsung admits that this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1338(a), and that the Complaint purports to allege an action arising under the patent laws of the United States. Samsung denies that it is in any way liable or indebted to Plaintiff under these or any other claims.

8. Samsung does not contest, solely for the purpose of the present litigation, whether personal jurisdiction over it properly lies in this District. Samsung admits that SEA has offices in the Eastern District of Texas. Samsung admits that SEC and SEA did not dispute personal jurisdiction in their Answers filed in *Barkan Wireless v. Samsung Electronics, Co., Ltd. et al.*, No. 2:18-cv-00028-JRG (E.D. Tex. Apr. 23, 2018), *Immersion Corp. v. Samsung Electronics America, Inc.*, No. 2:17-cv-00572 (E.D. Tex. Oct. 24, 2017) and *Richardson v. Samsung Electronics Co., Ltd.*, No. 6:17-cv-00428 (E.D. Tex. Oct. 20, 2017). Samsung denies that it imports, offers for sale, makes, uses, or sells products that infringe the asserted patents. Samsung denies that it is in any way liable or indebted to Plaintiff under these or any other claims. The remaining allegations in Paragraph 8 constitute conclusions of law, no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations.

9. SEC does not contest at this time, and solely for the purpose of the present litigation, whether venue over it properly lies in this District, but SEC denies that venue in this District is convenient and SEC reserves the right to seek transfer to a more appropriate or convenient forum. The remaining allegations in paragraph 9 constitute conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations.

10. SEA does not contest at this time, and solely for the purpose of the present litigation, whether venue over it properly lies in this District. SEA admits that it has an office located in the Eastern District of Texas. SEA denies that it has committed acts of infringement related to the asserted patents in the District. Samsung denies that it is in any way liable or indebted to Plaintiff under these or any other claims. The remaining allegations in paragraph 10 constitute conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations.

11. Samsung admits that in their Answer filed in *Richardson v. Samsung Electronics Co., Ltd.*, No. 6:17-cv-00428 (E.D. Tex. Oct. 20, 2017) SEC and SEA admitted that venue was proper solely in that case. Samsung admits that in their Answer filed in *Immersion Corp. v. Samsung Electronics America, Inc.*, No. 2:17-cv-00572 (E.D. Tex. Oct. 24, 2017) SEC and SEA did not contest, solely for the purpose of that case, whether venue over them was proper in this District, but denied that venue was convenient. Samsung admits that in their Answer filed in *Barkan Wireless v. Samsung Electronics, Co., Ltd. et al.*, No. 2:18-cv-00028-JRG (E.D. Tex. Apr. 23, 2018) SEC and SEA did not contest, solely for the purpose of that case, whether venue over them was proper in this District, but denied that venue was convenient.

PATENTS-IN-SUIT

12. Samsung admits that what appears to be a copy of United States Patent No. 8,881,048 (the “’048 patent”) is attached to the Complaint as Exhibit A. Samsung admits that the face of the patent attached to the Complaint as Exhibit A states “System and Method for Providing Three-Dimensional Graphical User Interface,” refers to U.S. Patent No. 7,735,018 (the “’018 patent”), purports to list a “Filed” date of “Mar. 31, 2010,” identifies the “Date of Patent:” as “Nov. 4, 2014,” and purports to list the “Inventor” as “E. Eddie Bakhsh.” Except as

expressly admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 12 of the Complaint, and therefore denies them.

13. Samsung admits that what appears to be a copy of United States Patent No. 9,304,654 (the “’654 patent”) is attached to the Complaint as Exhibit B. Samsung admits that the face of the patent attached to the Complaint as Exhibit B states “System and Method for Displaying a Timeline Associated with a Plurality of Applications,” refers to the ’018 and ’048 patents, purports to list a “Filed” date of “Sep. 30, 2014,” identifies the “Date of Patent:” as “Apr. 5, 2016,” and purports to list the “Inventor” as “Ezra Eddie Bakhsh.” Except as expressly admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 13 of the Complaint, and therefore denies them.

14. Samsung admits that what appears to be a copy of United States Patent No. 9,696,868 (the “’868 patent”) is attached to the Complaint as Exhibit C. Samsung admits that the face of the patent attached to the Complaint as Exhibit C states “System and Method for Providing Three-Dimensional Graphical User Interface,” refers to the ’654 patent, purports to list a “Filed” date of “Feb. 5, 2015,” identifies the “Date of Patent:” as “Jul. 4, 2017,” and purports to list the “Inventor” as “Ezra Eddie Bakhsh.” Except as expressly admitted, Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 14 of the Complaint, and therefore denies them.

15. Samsung admits that the Complaint purports to refer to the ’048, ’654 and ’868 patents collectively as the “patents-in-suit.”

16. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 16 of the Complaint, and therefore denies them.

17. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 17 of the Complaint, and therefore denies them.

18. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 18 of the Complaint, and therefore denies them.

19. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 19 of the Complaint, and therefore denies them.

20. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 20 of the Complaint, and therefore denies them.

21. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 21 of the Complaint, and therefore denies them.

22. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 22 of the Complaint, and therefore denies them.

23. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 23 of the Complaint, and therefore denies them.

24. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 24 of the Complaint, and therefore denies them.

25. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 25 of the Complaint, and therefore denies them.

THE PARTIES' ALLEGED PAST RELATIONSHIP AND DEFENDANTS'
ALLEGED USE OF SPACETIME3D'S TECHNOLOGY

26. Samsung admits that SEA is a wholly-owned subsidiary of SEC, and that Samsung is generally involved in the manufacture and sale of, among other products, mobile consumer electronic products.

27. Samsung denies the allegations in paragraph 27 of the Complaint.

28. Samsung denies the allegations in paragraph 28 of the Complaint.

29. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 29 of the Complaint, and therefore denies them.

30. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 30 of the Complaint, and therefore denies them.

31. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 31 of the Complaint, and therefore denies them.

32. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 32 of the Complaint, and therefore denies them.

33. Based on current information and belief, Samsung is informed and believes that in or about February 2008, a person with an SEA email address communicated by email with a person with a “spacetime3d” email address. Samsung denies that the remaining allegations in paragraph 33 of the Complaint are complete or accurate, and based on its current investigation to date Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 33 of the Complaint, and therefore denies them.

34. Based on current information and belief, Samsung is informed and believes that in or about February 2008, a person with a “spacetime3d” email address communicated by email with a person with an SEA email address. Samsung denies that the remaining allegations in paragraph 34 of the Complaint are complete or accurate, and based on its current investigation to date Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 34 of the Complaint, and therefore denies them.

35. Based on its current investigation to date Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 35 of the Complaint, and therefore denies them.

36. Based on current information and belief, Samsung is informed and believes that in or about March 2008, a person with a “spacetime3d” email address communicated by email with a person with an SEA email address. Samsung denies that the remaining allegations in paragraph 36 of the Complaint are complete or accurate, and based on its current investigation to date Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 36 of the Complaint, and therefore denies them.

37. Based on current information and belief, Samsung is informed and believes that in or about May 2008, a person with an SEA email address communicated by email with a person with a “spacetime3d” email address. Samsung denies that the remaining allegations in paragraph 37 of the Complaint are complete or accurate, and based on its current investigation to date Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 37 of the Complaint, and therefore denies them.

38. Based on its current investigation to date Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 38 of the Complaint, and therefore denies them.

39. Based on its current investigation to date Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 39 of the Complaint, and therefore denies them.

40. Based on its current investigation to date Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 40 of the Complaint, and therefore denies them.

41. Based on its current investigation to date Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 41 of the Complaint, and therefore denies them.

42. Based on its current investigation to date Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 42 of the Complaint, and therefore denies them.

43. Based on current information and belief, Samsung is informed and believes that in or about April 2010, a person with an SEA email address communicated by email with a person with a “spacetime3d” email address. Samsung denies that the remaining allegations in paragraph 43 of the Complaint are complete or accurate, and based on its current investigation to date Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 43 of the Complaint, and therefore denies them.

44. Based on current information and belief, Samsung is informed and believes that in or about April 2010, a person with an SEA email address communicated by email with a person with a “spacetime3d” email address. Samsung denies that the remaining allegations in paragraph 44 of the Complaint are complete or accurate, and based on its current investigation to date Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 44 of the Complaint, and therefore denies them.

45. Based on its current investigation to date Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 45 of the Complaint, and therefore denies them.

46. Based on current information and belief, Samsung is informed and believes that in or about May 2010, a person with a “spacetime3d” email address communicated by email with a person with an SEA email address. Samsung denies that the remaining allegations in paragraph 46 of the Complaint are complete or accurate, and based on its current investigation to date Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 46 of the Complaint, and therefore denies them.

47. Based on current information and belief, Samsung is informed and believes that in or about May 2010, a person with a “spacetime3d” email address communicated by email with a person with an SEA email address. Samsung denies that the remaining allegations in paragraph 47 of the Complaint are complete or accurate, and based on its current investigation to date Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 47 of the Complaint, and therefore denies them.

48. Based on its current investigation to date Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 48 of the Complaint, and therefore denies them.

49. The first sentence of paragraph 49 of the Complaint appears to constitute a conclusion of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegation. Samsung denies that the remaining allegations in paragraph 49 of the Complaint are complete or accurate, and based on its current investigation to date

Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 49 of the Complaint, and therefore denies them.

50. Samsung denies that the allegations in paragraph 50 of the Complaint are complete or accurate, and based on its current investigation to date Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 50 of the Complaint, and therefore denies them.

51. Samsung denies that the allegations in paragraph 51 of the Complaint are complete or accurate, and based on its current investigation to date Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 51 of the Complaint, and therefore denies them

52. Samsung denies the allegations in paragraph 52 of the Complaint.

DEFENDANTS' ALLEGEDLY ACCUSED PRODUCTS

53. Samsung admits that paragraph 53 of the Complaint purports to define the term “Accused Products” as stated in paragraph 53. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

54. Samsung denies the allegations in paragraph 54 of the Complaint.

55. Samsung denies that the allegations in paragraph 55 of the Complaint concerning Plaintiff’s characterization of certain Samsung products are complete or accurate, and on that basis denies them.

56. Samsung denies the allegations in paragraph 56 of the Complaint.

57. Samsung denies that the allegations in paragraph 57 of the Complaint concerning Plaintiff’s characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 57 of the Complaint also appear to contain

conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations.

58. Samsung denies that the allegations in paragraph 58 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 58 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations.

59. Samsung denies that the allegations in paragraph 59 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 59 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations.

60. Samsung denies the allegations in the first sentence of paragraph 60 of the Complaint. Samsung denies that the allegations in paragraph 60 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 60 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations.

61. Samsung denies that the allegations in paragraph 61 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 61 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations.

62. Samsung denies that the allegations in paragraph 62 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 62 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations.

COUNT 1

ALLEGED INFRINGEMENT OF U.S. PATENT NO. 8,881,048

63. Samsung incorporates by reference its responses to each preceding paragraph as if fully set forth herein.

64. Samsung denies the allegations in paragraph 64 of the Complaint.

65. Samsung denies the allegations in paragraph 65 of the Complaint.

66. Samsung admits that paragraph 66 purports to recite claim 8 of the '048 patent. Samsung is currently without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 66 of the Complaint, and therefore denies them.

67. Samsung denies the allegations in paragraph 67 of the Complaint.

68. Samsung denies that the allegations in paragraph 68 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 68 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

69. Samsung denies that the allegations in paragraph 69 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that

basis denies them. The allegations in paragraph 69 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

70. Samsung denies that the allegations in paragraph 70 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 70 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

71. Samsung denies that the allegations in paragraph 71 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 71 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

72. Samsung denies that the allegations in paragraph 72 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 72 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

73. Samsung denies that the allegations in paragraph 73 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 73 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

74. Samsung denies that the allegations in paragraph 74 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 74 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

75. Samsung denies that the allegations in paragraph 75 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 75 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

76. Samsung denies that the allegations in paragraph 76 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 76 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required,

Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

77. Samsung denies that the allegations in paragraph 77 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 77 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

78. Samsung denies that the allegations in paragraph 78 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 78 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

79. Samsung denies that the allegations in paragraph 79 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 79 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

80. Samsung denies that the allegations in paragraph 80 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 80 of the Complaint also appear to contain

conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

81. Samsung denies that the allegations in paragraph 81 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 81 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

82. Samsung denies that the allegations in paragraph 82 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 82 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

83. Samsung denies that the allegations in paragraph 83 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 83 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

84. Samsung denies that the allegations in paragraph 84 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that

basis denies them. The allegations in paragraph 84 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

85. Samsung denies the allegations in paragraph 85 of the Complaint.

86. Samsung denies the allegations in paragraph 86 of the Complaint.

87. Samsung denies the allegations in paragraph 87 of the Complaint.

COUNT 2

ALLEGED INFRINGEMENT OF U.S. PATENT NO. 9,304,654

88. Samsung incorporates by reference its responses to each preceding paragraph as if fully set forth herein.

89. Samsung denies the allegations in paragraph 89 of the Complaint.

90. Samsung denies the allegations in paragraph 90 of the Complaint.

91. Samsung admits that paragraph 91 purports to recite claim 10 of the '654 patent.

Samsung is currently without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 91 of the Complaint, and therefore denies them.

92. Samsung denies the allegations in paragraph 92 of the Complaint.

93. Samsung denies that the allegations in paragraph 93 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 93 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

94. Samsung denies that the allegations in paragraph 94 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 94 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

95. Samsung denies that the allegations in paragraph 95 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 95 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

96. Samsung denies that the allegations in paragraph 96 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 96 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

97. Samsung denies that the allegations in paragraph 97 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 97 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required,

Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

98. Samsung denies that the allegations in paragraph 98 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 98 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

99. Samsung denies that the allegations in paragraph 99 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 99 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

100. Samsung denies that the allegations in paragraph 100 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 100 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

101. Samsung denies that the allegations in paragraph 101 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 101 of the Complaint also appear to

contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

102. Samsung denies that the allegations in paragraph 102 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 102 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

103. Samsung denies that the allegations in paragraph 103 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 103 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

104. Samsung denies that the allegations in paragraph 104 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 104 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

105. Samsung denies that the allegations in paragraph 105 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and

on that basis denies them. The allegations in paragraph 105 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

106. Samsung denies that the allegations in paragraph 106 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 106 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

107. Samsung denies that the allegations in paragraph 107 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 107 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

108. Samsung denies that the allegations in paragraph 108 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 108 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

109. Samsung denies that the allegations in paragraph 109 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 109 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

110. Samsung denies that the allegations in paragraph 110 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 110 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

111. Samsung denies the allegations in paragraph 111 of the Complaint.

112. Samsung denies the allegations in paragraph 112 of the Complaint.

113. Samsung denies the allegations in paragraph 113 of the Complaint.

114. Samsung denies the allegations in paragraph 114 of the Complaint.

COUNT 3

ALLEGED INFRINGEMENT OF U.S. PATENT NO. 9,696,868

115. Samsung incorporates by reference its responses to each preceding paragraph as if fully set forth herein.

116. Samsung denies the allegations in paragraph 116 of the Complaint.

117. Samsung denies the allegations in paragraph 117 of the Complaint.

118. Samsung admits that paragraph 118 purports to recite claim 10 of the '868 patent. Samsung is currently without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 118 of the Complaint, and therefore denies them.

119. Samsung denies the allegations in paragraph 119 of the Complaint.

120. Samsung denies that the allegations in paragraph 120 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 120 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

121. Samsung denies that the allegations in paragraph 121 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 121 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

122. Samsung denies that the allegations in paragraph 122 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 122 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

123. Samsung denies that the allegations in paragraph 123 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 123 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

124. Samsung denies that the allegations in paragraph 124 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 124 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

125. Samsung denies that the allegations in paragraph 125 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 125 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

126. Samsung denies that the allegations in paragraph 126 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 126 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is

required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

127. Samsung denies that the allegations in paragraph 127 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 127 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

128. Samsung denies that the allegations in paragraph 128 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 128 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

129. Samsung denies that the allegations in paragraph 129 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 129 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

130. Samsung denies that the allegations in paragraph 130 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 130 of the Complaint also appear to

contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

131. Samsung denies that the allegations in paragraph 131 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 131 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

132. Samsung denies that the allegations in paragraph 132 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 132 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

133. Samsung denies that the allegations in paragraph 133 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 133 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

134. Samsung denies that the allegations in paragraph 134 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and

on that basis denies them. The allegations in paragraph 134 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

135. Samsung denies that the allegations in paragraph 135 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 135 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

136. Samsung denies that the allegations in paragraph 136 of the Complaint concerning Plaintiff's characterization of certain Samsung products are complete or accurate, and on that basis denies them. The allegations in paragraph 136 of the Complaint also appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that it has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

137. Samsung denies the allegations in paragraph 137 of the Complaint.

138. Samsung denies the allegations in paragraph 138 of the Complaint.

139. Samsung denies the allegations in paragraph 139 of the Complaint.

140. Samsung denies the allegations in paragraph 140 of the Complaint.

ALLEGED WILLFUL INFRINGEMENT

141. Samsung incorporates by reference its responses to each preceding paragraph as if fully set forth herein.

142. Samsung denies the allegations in paragraph 142 of the Complaint.

143. The allegations in the first sentence of paragraph 143 of the Complaint appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that the remaining allegations in paragraph 143 of the Complaint are complete or accurate, and based on its current investigation to date Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 143 of the Complaint, and therefore denies them.

144. The allegations in paragraph 144 of the Complaint appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that the allegations in paragraph 144 of the Complaint are complete or accurate, and based on its current investigation to date Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 144 of the Complaint, and therefore denies them.

145. The allegations in paragraph 145 of the Complaint appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations. Samsung denies that the allegations in paragraph 145 of the Complaint are complete or accurate, and based on its current investigation to date Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 145 of the Complaint, and therefore denies them.

146. The allegations in paragraph 146 of the Complaint appear to contain conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations.

147. Samsung denies the allegations in paragraph 147 of the Complaint.

DEMAND FOR JURY TRIAL

148. This paragraph sets forth Plaintiff's request for a jury trial to which no response is required.

PRAYER FOR RELIEF

These paragraphs set forth the statement of relief requested by Plaintiff to which no response is required. Samsung denies that Plaintiff is entitled to any relief and specifically denies all the allegations and prayers for relief contained in paragraphs (a) through (f) of Plaintiff's prayer for relief.

DENIAL OF ANY REMAINING ALLEGATIONS

Except as specifically admitted herein, Samsung denies any remaining allegation in Plaintiff's Complaint.

AFFIRMATIVE DEFENSES

Subject to the responses above, Samsung alleges and asserts the following defenses in response to the allegations in Plaintiff's Complaint, undertaking the burden of proof only as to those defenses deemed affirmative defenses by law, regardless of how such defenses are denominated herein. In addition to the affirmative defenses described below, subject to its responses above, Samsung specifically reserves all rights to allege additional affirmative defenses that become known through the course of discovery.

**FIRST AFFIRMATIVE DEFENSE
(Failure to State a Claim)**

The Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE
(No Infringement)

Samsung does not infringe any valid and enforceable claim of any asserted patent in any manner or under any theory of infringement, including under 35 U.S.C. § 271(a), (b), (c), and/or (f), literally or under the doctrine of equivalents, directly or indirectly, willfully or otherwise, including pursuant to the doctrines of joint or divided infringement. Samsung has not performed any act and is not proposing to perform any act in violation of any rights validly belonging to Plaintiff.

THIRD AFFIRMATIVE DEFENSE
(Invalidity)

The asserted claims of the asserted patents are invalid for failure to satisfy the requirements of 35 U.S.C. § 100, *et seq.*, including, but not limited to, one or more of the following: 35 U.S.C. §§ 101, 102, 103, 111, 112, 116, 132 and/or 251 and the judicial doctrine of obvious-type double patenting.

FOURTH AFFIRMATIVE DEFENSE
(Limitation on Damages)

Plaintiff's claims for damages are statutorily limited under 35 U.S.C. §§ 286 and 287.

FIFTH AFFIRMATIVE DEFENSE
(Prosecution History Estoppel and Disclaimer)

Plaintiff's claims are barred in whole or in part by the doctrines of prosecution history estoppel and/or prosecution disclaimer.

SIXTH AFFIRMATIVE DEFENSE
(Waiver and Estoppel)

Plaintiff's claims for relief are barred in whole or in part by the doctrines of waiver and/or estoppel.

SEVENTH AFFIRMATIVE DEFENSE
(Standing)

Plaintiff lacks standing to assert some or all of the asserted patents against Samsung.

EIGHTH AFFIRMATIVE DEFENSE
(Ensnarement)

Plaintiff's claims are barred or limited in whole or in part by the doctrine of ensnarement.

RESERVATION OF AFFIRMATIVE DEFENSES

Samsung hereby reserves the right to supplement its affirmative defenses as discovery proceeds in this case.

PRAYER FOR RELIEF

WHEREFORE, Samsung requests that:

1. Plaintiff takes nothing by way of its Complaint;
2. The Court enter judgment in favor of Samsung and against Plaintiff, thereby dismissing the Complaint in its entirety, with prejudice, and deny Plaintiff all requested relief;
3. The Court find that the asserted claims of the asserted patents are invalid and/or unenforceable;
4. The Court find that Samsung has not infringed, literally or under the doctrine of equivalents, directly or indirectly, willfully or otherwise, any valid claim of any asserted patent;
5. The Court find that Plaintiff cannot recover any damages from Samsung for any infringement of any asserted patent and is not entitled to injunctive relief;
6. The Court declare that this case is exceptional, entitling Samsung to its attorneys' fees under 35 U.S.C. § 285, and award Samsung its costs and reasonable attorneys' fees; and
7. The Court grant Samsung all other and further relief that the Court deems appropriate.

JURY DEMAND

Samsung demands a trial by jury on all issues so triable.

Dated: March 16, 2020

Respectfully submitted,

By: /s/ Melissa R. Smith

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a) on March 16, 2020. Any other counsel of record will be served by a facsimile and/or first class mail.

/s/ *Melissa R. Smith*

Melissa R. Smith